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C O N F I D E N T I A L SECTION 01 OF 02 SARAJEVO 000877

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SUBJECT: BOSNIA: CONSTITUTIONAL REFORM GETS COMMITTEE
APPROVAL; PARLIAMENT DEBATE APRIL 25

REF: SARAJEVO 841

Classified By: AMBASSADOR DOUGLAS MCELHANEY. REASON: 1.4 (B) AND (D).

11. (C) SUMMARY: The U.S.-backed constitutional reform package passed its first parliamentary hurdle when a late-night session of the Constitutional and Legal Affairs Committee (CLAC) voted in favor of sending the legislation to the full House for consideration. The vote -- 5 to 2 in favor, with two members absent -- was a major victory, made possible by the unlikely support of reps from two minor Serb parties. A key reason for their support: "technical changes" to the package negotiated by the political party leaders, just before the parliamentary session, in a six-hour meeting of the negotiators convoked by the Ambassador. With the CLAC obstacle removed, all efforts are now focused on the April 25 session of the House of Representatives. (Note: it is possible that this may be postponed to April 26, to allow the House of Peoples to vote first on the 25th, but this is still in the works.) The votes in the House are not yet there, but we believe we are quite close. The House of Peoples -- currently scheduled for April 26 -- poses fewer problems; the party leaders believe that the legislation will win support there. The Embassy, with active European/OHR support, continues its extensive outreach, despite the upcoming Orthodox Easter holiday. END SUMMARY.

CLAC SESSION TENSE

12. (C) On April 18, the CLAC postponed its vote until April 19; the package's sponsors -- the political party leaders who negotiated it -- came together, convoked by the Ambassador, to discuss preliminary strategy immediately prior to the session. However, the meeting quickly became deadlocked over last-minute changes to the package demanded by (Serb) SNSD leader and Srpska PM Dodik. The Ambassador and others argued strenuously against opening up the agreement, but Dodik, with support from his two Serb colleagues, stuck to his guns. Dodik's chief concern centered on ensuring that the amendments did not prejudice the outcome of on-going police reform negotiations necessary to the EU Stabilization Agreement. Despite EC Ambassador Humphries' assurances, Dodik's scepticism was shared by the other Bosnian Serbs. With the re-scheduled CLAC looming, party leaders took the practical way out: they agreed on slight changes, to be presented as "technical clarifications" of the package to the CLAC. The BiH Presidency, hastily convoked after the marathon six-hour meeting, then endorsed and sent the changes forward.

13. (C) In parallel, Embassy officers met separately with

Bosnian Serb CLAC members Gligoric and Kunic. Their votes, in the end, proved decisive. They were brought on board by a combination of arguments, most importantly, inclusion of the technical changes advocated by Dodik. Kunic was the most unlikely vote; an independent, he has, until now, opposed every state-building reform measure sent to Parliament. With Gligoric and Kunic joining the (Serb) SDS and two SDA (Bosniak) reps, the package had the support it needed. The two Croats (one HDZ, one from the recent breakaway HDZ 1990) walked out of the session before the final vote, when their amendments, like all others, failed to garner the necessary CLAC support (5 of 9 members).

PLANNING FOR "SUPER TUESDAY"

14. (C) The CLAC victory was essential but marks only the first hurdle. The Embassy, international community and, most importantly, the party leaders are now focused on "Super Tuesday" April 25. On that day, the House of Representatives is currently scheduled to consider the package. (Note: party leaders may decide to have the House of Peoples vote first on the 25th and move the House of Reps to the 26th. This shift is, however, not yet firm.) While support in the House of Peoples (scheduled for April 26) appears solid, the House of Reps remains touch and go. The amendments need the approval of 2/3 of those delegates present and voting. If all delegates are present, that means 28 of 42 members of the House of Reps must vote in favor. We do not have them yet, though we believe we are within shooting distance.

15. (C) Party leaders are reaching out to every delegate in their parties to ensure their support. We are also meeting with key players. We will also meet again with HDZ 1990, including Raguz; his walkout from the CLAC may indicate he

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wants to avoid a firm "no" vote on the package. We are tightly coordinating our efforts with OHR and EU ambassadors, and have told party leaders they must be present, along with international reps, for the parliamentary session.
MCELHANEY